

Article - Criminal Law

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§8–104.

(a) The drawer or representative drawer is presumed to know that there are insufficient funds whenever the drawer of a check has insufficient funds with the drawee to cover the check and other outstanding checks when issuing the check.

(b) The drawer or representative drawer of a dishonored check is presumed to have intended or believed that the check would be dishonored on presentment if:

(1) the drawer had no account with the drawee when issuing the check; or

(2) (i) when issuing the check, the drawer had insufficient funds with the drawee to cover the check and other outstanding checks;

(ii) the check was presented to the drawee for payment not more than 30 days after the date of issuing the check; and

(iii) the drawer had insufficient funds with the drawee at the time of presentment.

(c) A notice of protest of a check, or a certificate under oath of an authorized representative of the drawee declaring the dishonor of a check, the drawer's lack of an account, or that the drawer had insufficient funds introduced in evidence is presumptive evidence, that:

(1) the check was dishonored by the drawee; and

(2) the drawer had:

(i) no account with the drawee when the check was issued; or

(ii) insufficient funds with the drawee at the time of presentment and issuing of the check.

(d) The fact that a drawer or representative drawer, without the consent of the payee, stopped or countermanded the payment of the check, or otherwise caused the drawee to disregard, dishonor, or refuse to recognize the check without returning or tendering the return of the property obtained, is presumptive evidence that the drawer or representative drawer had the intent when issuing the check to stop or

countermand payment or otherwise cause the drawee to disregard, dishonor, or refuse to recognize the check.

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